

PATENT
Attorney Docket No. 101.0037-02000
Customer No. 22882
Express Mail No. EV 321 290 425 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Gary Karlin Michelson, M.D.) Group Art Unit: (3764)
Serial No.: Cont. of 09/404,396)
Filed: July 31,2003)
For: Method for the Delivery of Electrical)
Current to Promote Bone Growth)
Between Adjacent Bone Masses)

Mail Stop: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with the filing of the above-referenced application.

Copies of the following listed documents are attached:

| | |
|--------------|------------|
| SW 106 101 | DE 1961531 |
| EP 0 179 695 | DE 3101333 |
| EP 0 260 044 | DE 3132520 |
| FR 2 581 336 | DE 3505567 |

English translations and/or abstracts of the non-English documents are enclosed. Copies of the remaining listed documents were previously submitted or cited

in a prior application, serial no. 09/404,396, filed September 23, 1999, upon which applicant relies for the benefits provided in 35 U.S.C. § 120. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

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| Substitute for FORM PTO-1449 | | Attorney Docket Number 101.0037-02000 | | Custom r No. 22882 | |
|---|-----------------|--|-----------------|---|----------------------|
| INFORMATION DISCLOSURE CITATION IN AN APPLICATION | | Applicant Gary Karlin Michelson, M.D. | | Application Number Cont. of 09/404,396 | |
| (Use several sheets if necessary) Sheet <u>1</u> of <u>6</u> | | Filing Date July 31,2003 | | Group Art Unit 3764 | Examiner M. Brown |
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EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.